

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN DOE, JOHN DOE, SR. and JANE
DOE,

Plaintiff,
vs.

FATHER ERIC ENSEY, FATHER
CARLOS URRUTIGOITY, DIOCESE OF
SCRANTON, BISHOP JAMES C. TIMLIN,
THE SOCIETY OF ST. JOHN, THE
PRIESTLY FRATERNITY OF ST. PETER
and ST. GREGORY'S ACADEMY,

Defendant.

Case No.: 3 CV 02-0444

Judge: Hon. John E. Jones

**PLAINTIFFS' OPPOSITION TO THE MOTION FOR SUMMARY
JUDGMENT FILED BY THE SOCIETY OF ST. JOHN, FR. CARLOS
URRUTIGOITY AND FR. ERIC ENSEY**

For the convenience of the court plaintiffs will use the same numbering system as defendants.

I. FACTUAL BACKGROUND

Local Rule 7.8 (a) states, in pertinent part:

**No brief may incorporate by reference all or any portion of any other
brief.**

Accordingly, moving defendants have set forth no statement of facts requiring response. In the alternative, if this court accepts this format, plaintiffs' hereby incorporate by reference their response to said incorporated pages.

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II. STATEMENT OF ISSUES INVOLVED

A Whether Defendants can be liable for the alleged actions of Fr. Carlos Urrutigoity when the allegations occurred while John Doe was an adult?

Suggested Answer: Yes.

ARGUMENT

Once again defendants have violated 7.8 (a). Accordingly, moving defendants have set forth no argument requiring response. In the alternative, if this court accepts this format, plaintiffs' hereby incorporate by reference their response to said incorporated pages.

B. Whether Plaintiffs' claims are barred by the statute of limitations?

Suggested Answer: No.

ARGUMENT

Once again defendants have violated 7.8 (a). Accordingly, moving defendants have set forth argument requiring response. In the alternative, if this court accepts this format, plaintiffs hereby incorporate by reference their response to said incorporated pages.

C. Whether the emotional distress claims of Plaintiff's parents are barred since they were not present at the time of the alleged abuse?

Suggested Answer: Yes, in part.

ARGUMENT

Once again defendants have violated 7.8 (a). Accordingly, moving defendants have set forth no argument requiring response. In the alternative, if this court accepts this format, plaintiffs hereby incorporate by reference their response to said incorporated pages.

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Dated this 17th day of July, 2004.


James Bendell, WSBA # 20820
Co-counsel for plaintiffs

I certify that I caused a true copy
of this pleading to be electronically
mailed to Joseph Leeson, Joseph O'Brien
and Sal Cognetti on 7/17/04, 2004.



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